

Senate Study Bill 1159 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON DANIELSON)

A BILL FOR

1 An Act relating to guidelines and procedures for local fire
2 investigators when conducting certain fire and explosion
3 investigations.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 100.1, Code 2011, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 8. To adopt rules for fire investigations
4 and investigations of explosions that result in fire conducted
5 pursuant to Code section 100.2. The rules shall comply with
6 the national fire protection association's standards for fire
7 and explosion investigations, based upon NFPA 921-2011.

8 Sec. 2. Section 100.2, Code 2011, is amended to read as
9 follows:

10 **100.2 Duties of fire officials.**

11 1. The chief of the fire department or the chief's designee
12 of every city or township in which a fire department is
13 established or the chief of the fire department or the chief's
14 designee responding to every township fire where there is a
15 contract for fire protection in effect shall investigate into
16 the cause, origin, and circumstances of every fire or explosion
17 resulting in a fire occurring in the city or township by which
18 property has been destroyed or damaged or which results in
19 bodily injury to a person, and determine whether the fire or
20 explosion resulting in a fire was the result of natural causes,
21 negligence, or design. The state fire marshal may assist in
22 the investigation or may direct the investigation if the fire
23 marshal finds it necessary.

24 2. The investigation shall be conducted in compliance with
25 standards of the national fire protection association, as
26 adopted by the state fire marshal by rule pursuant to section
27 100.1, subsection 8.

28 3. Reports from fire or explosion investigations resulting
29 in, or which may result in, the arrest of an individual shall
30 be reviewed by a peer or supervisor within ten working days of
31 the report being completed.

32 4. If a complaint by an individual described in subsection
33 3 alleges a failure of investigators to adhere to the
34 investigation standards described in subsection 2, the
35 report of the investigation shall be evaluated based on those

1 standards.

2 5. This section shall not operate to limit remedies under
3 chapter 822.

4 EXPLANATION

5 This bill establishes guidelines and procedures for fire
6 investigations and investigations of explosions that result
7 in fire. The bill requires the state fire marshal to adopt
8 rules for local investigators that comply with the National
9 Fire Protection Association's 921 guide for fire and explosion
10 investigations (2011 edition). The bill specifies that local
11 fire departments are to investigate explosions that result in
12 fires in addition to fires.

13 The bill provides that a peer or supervisor shall review
14 the investigation or report of any investigation that leads or
15 may lead to the arrest of a person. The bill provides that
16 any complaint alleging a failure of investigators to follow
17 the investigation standards shall be evaluated based on the
18 standards.